

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

JACK EDWARD KING

PLAINTIFF

v.

CASE No.: 06-2197

JOHN DUTTON and
NITA LEWIS

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Jack King filed this civil rights action on November 29, 2006. He proceeds pro se and *in forma pauperis*.

When he filed the action, plaintiff was incarcerated at the Sebastian County Detention Center (Doc. 1). On February 12, 2007, Plaintiff notified the court via telephone that his address had changed. However, on May 14, 2007, Defendants filed a Motion to Compel, stating that Plaintiff had not provided required responses to discovery. This Court granted the motion to Compel, and Plaintiff was directed to provide the discovery responses on or before June 12, 2007 at 5:00 p.m.

Defendants filed a Motion to Dismiss on June 19, 2007, stating that Plaintiff failed to follow the Order of the Court and provide responses to discovery. Plaintiff has not communicated with the Court in any way.

I therefore recommend that this case be dismissed based on plaintiff's failure to obey the orders of the court and his failure to prosecute this action. Fed. R. Civ. P. 41. **The parties have ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 26th day of September, 2007.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE